

PRICE IS SOARING

The Pearl Harbor Suit Still on Trial.

(From Wednesday's daily.)

Yesterday's witnesses for the government in the Pearl Harbor case were inclined to give the Bishop Estate the benefit in their valuations of the land examined by them. During the day but three witnesses were on the stand, Captain Merry, Allan Herbert and W. G. Ashley.

Captain J. E. Merry testified simply to the exchange of letters between the Bishop Estate and himself when, two years ago, he secured an option on the land at the request of the Navy Department. At that time the trustees gave him an option upon the desired land at fifty dollars an acre, for one year, and the letters in proof of this were introduced as evidence.

W. G. Ashley of the real estate firm of Ashley & Paris was the next witness. He was formerly secretary of the Oahu Railway & Land Co., at the time the railroad was constructed through the Bishop Estate land, and examined the land at that time. He was of the opinion that fifty dollars an acre would be a fair market price for the six hundred acres taken as a whole.

On cross-examination by Mr. Kinney the latter drew out some favorable admissions relative to the value of the water front cut up into beach lots. The witness stated that land in Pearl City was worth about \$2,500 per acre lot. The two mile frontage he thought might be worth \$100 an acre, and if cut up into town lots with improvements, such as water, railroad facilities, grading, etc., eighty lots with frontage on the sea would be worth about \$200,000. Without improvements witness did not believe they would be worth over \$80,000.

Witness testified that an acre of sugar land would produce eight and half tons of sugar which would be worth about \$640. The ground rental at three and a half per cent would be about \$22 per annum.

"Do you mean to say that the land will yield eight and half tons of sugar to an acre?" asked the court.

"Yes, sir," answered Mr. Kinney. "Do you want to hear evidence on that point now. We intend to show later that the land in question would yield ten tons per acre."

"And the land has never produced a crop," put in Mr. Dunne.

"All the more reason why it will produce more now," said Mr. Kinney.

Figuring on the basis suggested by Mr. Kinney the witness thought the sugar land would be worth about \$140 to \$200 an acre. About half of the land was sugar land, he thought. The witness would not commit himself as to the relative values for investment purposes of sugar land leases and Territorial bonds.

Allan Herbert, the expert who made a special visit to the land at the request of the government, was on the stand for the greater part of the afternoon. He placed a value of twenty-five dollars an acre upon the Kuahua Island tract, and thought the cane land on the mainland was worth about \$100 an acre. Fifty dollars an acre was a fair valuation for the land taken as a whole. He said there was but one well on the land, and the water in it was slightly brackish. The witness declined to place a value upon the lands of Dr. McGrew, the Ewa Plantation or Ford's Island, stating that he was unable to do justice to himself in making such an estimate. He said he had only been to the shore of Ford's Island, and at that time he was so occupied with the ladies and with lunch he paid no attention to the condition of the land there, though he was under the impression that it was rocky.

He thought that the Bishop Estate lands condemned by the government were the poorest in the district, but with proper care and fertilization sugar, corn or grape crops might be raised upon part of it. Mr. Herbert professed ignorance of what amount of sugar could be raised on this land if it was cultivated, and said he preferred not to make estimates on probabilities. He expressed his inability to answer nearly every question put to him by Mr. Kinney until finally that gentleman asked angrily:

"What business have you here swearing away the rights of the Bishop Estate, if you don't know anything about this land? You are here as an expert?" Judge Estee refused to allow the question, and criticized it as not proper to be put to the witness. The court held that Mr. Herbert was not swearing away anyone's rights and such a question was clearly improper. Mr. Kinney contended that the question was proper upon cross-examination, but the court ordered it stricken from the records.

The examination of Mr. Herbert was completed before the evening adjournment.

(From Thursday's daily.)

Three hundred dollars an acre is the valuation placed on the greater part of the Bishop Estate land, condemned by the United States for the Pearl Harbor station, by J. A. Low, the first of the witnesses for the respondent. He qualified this statement by saying that the price given referred only to 387 acres of cane land.

The government rested yesterday morning without putting on any additional testimony, and then followed a day of argument and quibbling over the introduction of certain evidence, until finally the court remonstrated and said that no further delay would be brooked, and the case must proceed more expeditiously.

GILFILLAN'S ABSENCE CAUSES INQUIRY

WHILE the absence from the islands of Archibald F. Gilfillan, the member of the lower house of the Legislature and prominent man about town, has been extended longer than was expected, among his closest friends there is no definite anxiety felt as to his safety. The firm with which he is employed feels in no wise that there is any danger of the well-known manager of wharves being long away from his desk, even though he has not been heard from for about sixty days.

Mr. Gilfillan left the city to attend the convocation of the Knights Templar which was held at Louisville, and was there and participated in the exercises which marked the annual gathering. From Louisville he went on to Buffalo to take in the Buffalo Fair. While at the Fair Mr. Gilfillan was in company of several gentlemen who are members of the same order and they had a merry party. There was a question in the mind of the Hawaiian at that time whether or not he would go on to his old home in Scotland.

His friends left him with the understanding that he would meet them in Chicago at the Auditorium two days later. They waited a longer time and as he did not come they proceeded to their homes. The fact that the Hawaiian did not appear is not taken by his friends here to indicate that there has been any pillage encountered by him. They think that his letters have miscarried and that he is now on his way home. However the fact remains that no definite word from him has been had since his parting with friends in Buffalo.



pedition.

The plaintiff closed with the admission of certain facts by the respondents as to the exact acreage of the land taken, introducing a map for this purpose. It was conceded that the land outside of Kuahua Island was comprised of 617 acres, while Kuahua Island is admitted to be 39.2 acres in extent. From the area on the mainland is to be subtracted a strip one hundred feet wide, which by agreement is allowed to remain in possession of the Bishop Estate for right of way. It is further admitted all this land is leased to the Dowsett Estate excepting 48.8 acres which still remains with the Bishop Estate. These admissions were accepted with the proviso by the court that in the event of any error the figures could be rectified later.

The plaintiff having closed Mr. Kinney moved that the evidence relating to the tax returns made by the Bishop Estate trustees be stricken from the records, and the jury instructed to disregard such testimony. The motion was based on the fact that the law provided an assessment value of eight times the annual rental, and the evidence of Deputy Assessor Archer was that he knew of this. The court refused to grant the motion.

J. A. Low, manager of the Honolulu Plantation, was then sworn as the first witness for the respondent and was on the stand for the entire day. He said he had been in the sugar business for twelve years and had observed the land in question upon the Bishop Estate nearly every day for some time. For the past three years he said he had been making experiments with the soil on land of similar nature, and also examined this land before it had been leased by the Honolulu Plantation Co. He stated that he had gone over it carefully, digging holes at stated intervals, and in that way ascertaining the depth and character of the soil. This soil had been analyzed and compared with that of the Ewa Plantation and after he had obtained the opinions of various sugar managers he leased it. To the question by Mr. Kinney as to what this land was capable of producing Mr. Dunne objected on the ground that it had never produced anything, and it was common knowledge that sugar lands differ in availability and productiveness. This question of admissibility was argued for nearly two hours by opposing counsel and the court at the afternoon session allowed the witness to answer.

Mr. Low's reply was that land of this character would raise three crops of sugar in fifty months, and that the land would average from sixty to eighty tons of cane per acre. Witness estimated the value of the sugar land, 387 acres in all, at \$300 per acre. He made no estimate of the value of Kuahua Island and said it was but two feet above the sea level.

The court refused to allow the admission of evidence that Dr. McGrew wanted to sell his land for \$1,000 an acre, or of rental value of land adjoining or near that of the Bishop Estate. The attorneys had been arguing about matters of evidence, and quoting authorities all day and Judge Estee refused to hear argument from Mr. Kinney on the question of rentals. Mr. Kinney then noted an exception adding that the court had overruled the question and refused to hear argument from counsel.

Judge Estee added another ruling to the effect, "The court makes this ruling because counsel have been arguing cases all day, and this ruling is made only with the intention of promoting public business and advancing the trial of this case."

Mr. Low testified next that the price of sugar on the plantation on the sixth day of January when this suit was brought, was seventy-five dollars per ton, but the shipping expenses would have to be deducted from this amount. The court refused to allow any testimony upon the common belief as to the benefits likely to arise to the lands because of the probable construction of the naval station. The request of Mr. Kinney that Captain Pond's evidence on this point be also stricken out, was not passed upon as the court was not certain that the naval officer had testified to that effect. Court adjourned at this point.

PORTO RICAN BADLY CARVED

Two Porto Ricans figured in a cutting scrape yesterday, which may result fatally. It appears that yesterday afternoon Santiago Frontana and Tonia Tohe had quarrelled upon Nuuanu Valley, during which the former whipped out a razor and carved Tohe's side, inflicting a fearful gash several inches long and penetrating to the ribs. After Santiago had done the cutting he threw the razor away. A man who happened to witness some of the trouble telephoned to the police station, and prevented Santiago's escape until the wagon arrived.

Last night it was reported from the Queen's hospital that Tonia Tohe was in a critical condition. No definite charge has as yet been preferred against Santiago. This will be done today when the injured man's condition is ascertained. Yesterday P. Machado, M. C. J. Machado, Manuel Silva, M. Lelana, alias M. Costa, and J. H. Ramon were arrested and charged with malicious injury. The complainant, an old Portuguese man, alleges that last Sunday a crowd of about twenty young men came to his house on Kalia way, and demanded okolekole. He told them that he did not keep any in his place and, he says, they then bombarded his house with rocks, breaking windows and doing other damage.

Manuel Gomes was arrested for assault and battery on Fuchi, a Japanese, who alleges that Gomes held him up and attempted to rob him on Monday night. Other arrests yesterday were: Asaki, violating carriage regulations; Jereima, assault and battery on Pomakak.

Chester Doyle left for Lahaina last night. He goes on police department business, and will be away for a month.

NO LIGHT ON THE MYSTERY

There were absolutely no new developments in the Lubeck murder case yesterday, and the hard work the police put in on the affair during the day was entirely unavailing. Clues were made at the postoffice, as to whether Lubeck had received the letter he went after on the morning of the day on which he was killed. Chief Inspector Lim said that he was not in a position to furnish any information on the subject, as in the eyes of the government a person's mail was held inviolate, and only in cases of extraordinary emergency were even the civil authorities given access to any information concerning correspondence. Mrs. Lubeck told an Advertiser reporter yesterday that she wished to deny several assertions made by Rooney at the inquest. She said that when he came to her house there was not a bottle of gin on the table, and that it was Rooney who asked her to have a drink. She also denied having gone into Rooney's house on the night of November 25.

Mrs. Lubeck further said that Rooney and her husband did not part friends on Wednesday, when Lubeck is said to have had trouble with his wife. Rooney asked him to go down town and have a drink with him, but Lubeck would have nothing to do with Rooney. According to the statement made yesterday morning to a reporter, by Mrs. Lubeck, her husband and Leighmann were not on friendly terms, there having been an unpleasantness between them on account of Leighmann having secured a job as watchman, which Lubeck wanted.

HAD A GOOD TIME

A. J. Snell wanted to attend a party, but was afraid to do so on account of pains in his stomach, which he feared would grow worse. He says: "I was telling my troubles to a lady friend, who said: 'Chamberlain's Colic, Cholera and Diarrhoea Remedy will put you in condition for the party.' I bought a bottle and take pleasure in stating that two doses cured me and enabled me to have a good time at the party." Mr. Snell is a resident of Summer Hill, N. Y., U. S. A. This remedy is for sale by all druggists and dealers. Benson, Smith & Co., Ltd., agents for Hawaii.

Will any person having a copy of the New York Evening Post, containing an exhaustive editorial defense of Governor Dole from the charges made against his administration by Judge Humphreys, favor the Advertiser with a copy?

THE KOHALA WATER SHED

Company is Formed to Conserve Supply.

Simultaneously with the departure for Washington of Colonel Samuel Parker, J. A. McCrossen, Geo. W. Davis and others interested in the Kohala water supply yesterday, there was filed with the Treasury a petition for incorporation of the Hawaii Ditch Company, Limited.

Messrs. Parker and McCrossen before they return expect to bring with them a franchise or grant by Congress, permitting the Hawaii Ditch Company to conserve the water supply of the Kohala mountains in whatever way they deem best.

The company incorporated here yesterday has a capital of but \$1,000, but the limit to which stock may be increased is \$200,000.

Relating to the object of the corporation, the articles say:

"The business and purpose for which this corporation is organized are to build, construct, supply, maintain and operate on the island of Hawaii, in the Territory of Hawaii, a system or systems of surface, underground, either or both, supply and irrigation water ditches or tunnels, canals, flumes, and inverted siphons with their necessary and useful appendages and apparatus in tunnel and bore for, rather, conserve, and impound water therefor, and supply and sell water therefrom, and to acquire, own and lease real estate, * * * which may be required to construct and maintain said systems of supply, etc., together with impounding and storage reservoirs, etc."

In the same paragraph it is stated: "Said systems to be owned, constructed, supplied and operated by means of gravity, or steam or electricity, or hydraulics or any of them, and to operate such power works and machinery necessary to accomplish the purpose for which this corporation is organized."

By virtue of the articles the company is given the right to take over contracts, leases, franchises, etc., from public or private corporations, the Territorial or the United States governments, or individuals, also to hold and deal in stocks and bonds of other corporations; and to issue its own bonds and secure the same by deeds of trust, but at no time is the indebtedness to exceed the amount of the capital stock.

Paragraph four provides that the corporation may sue and be sued, can appoint subordinate officers, and make by-laws, not inconsistent with the charter, and to issue notes and other evidences of debt.

Section 5 provides for the succession of the company by its corporate name for a term of fifty years.

Section 6 provides that the capital stock of the company shall be \$1,000, divided into 100 shares of \$10 each, with the option of increasing said capital to a sum not to exceed \$500,000.

Section 7 provides for the election of officers, and Section 8 provides that the stockholders shall not be liable for the debts of the corporation.

The articles are signed by Samuel Parker, who owns 33 shares; J. A. McCrossen, one share; J. A. McCrossen, trustee, 31 shares; E. J. Cotton, one share; E. B. McClanahan, 33 shares; F. Wundenberg, one share.

The application is signed by the Hawaii Ditch Company, Limited, by Samuel Parker, its president; E. B. McClanahan, its secretary; and F. Wundenberg, its treasurer.

SOME TALES FROM BUFFALO

One of the recently returned members of the troupe of Hawaiians which performed at Buffalo Exposition tells several interesting stories of the experiences of the migrants to the mainland. He says that when their Buffalo contracts expired, twelve of the men and women went to the Charleston Exposition, to start a show of their own. Joe Puni is the leader of the enterprise.

Sixteen others, all vocalists and instrumentalists, have signed contracts for Kellie's Empire vaudeville circuit throughout the Eastern States. There is a musical act, and J. Wilson is acting as manager.

Some of the girls suffered badly from colds on account of "Spies" Tobin insisting that they wear as little as possible in the clothing line, and forcing them to go out in the cold in all kinds of weather. Following is a sample of Tobin's "cold" talk on the stand:

"Walk right up, ladies and gentlemen; walk up, and see the genuine Hawaiian beauties from the sunny southern seas. They don't wear clothes in their native land, and I call on you all to witness the ease and grace with which they conform to the customs of civilization. Don't they look nice? Walk up, walk up."

According to those of the party who returned on the Alameda, the reported shooting of Tobin by one of the hula dancers was a job put up by Tobin in order to secure some cheap advertising.

It seems that one day Tobin secured a gun, and giving it to a friend, told him to go to the top of a flight of stairs and fire two shots. Meanwhile Tobin stationed himself half way up the stairs, and signalled his friend to let her go. Two shots were fired, and Tobin raised a big rumpus about having been shot at while descending the stairs by one of the girls in the company. Tobin took care that the reporters on the Buffalo papers should not be slighted in the matter of information, and it was not long before the story was printed all over the United States.

Fourteen came back on the Alameda, including Ben Walwade, W. Keawe, H. Kahanu, Aro Hilo, the popular local danceuse, has joined Wilson's party. Lily Wori and Abbie Clark are now in Charleston.

The girls of the party declare that while in Buffalo they all received frequent offers of marriage from wealthy young men in Eastern cities. The seductions of pol and raw fish were too much for them, however, and the majority of them turned their backs on brilliant proposals in order to return and enjoy again a sunny, care-free existence in Hawaii.

Including prisoners, there are now 400 men employed by the Public Works Department.

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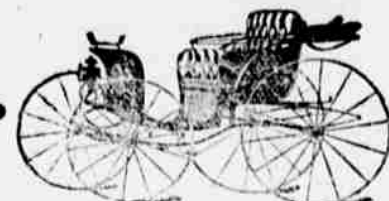
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PEKING	JAN. 18	CHINA	JAN. 20
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